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REMARKS

Original claims 1-4 and 6-22 remain pending in the application including independent claim 1. Dependent claim 5 has been cancelled. Independent claim 23 has been cancelled as being directed to a non-elected invention. New claims 24-26 have been added including independent claim 25. The new claims 24-26 read on the elected invention and the elected species. Claim 9 is indicated as allowable.

The amendments to claims 1, 3, 4, 6-9, 11-13, 18, and 19 are not related to any objection or rejection set forth in the present official action. These claims have solely been amended to provide consistent terminology throughout the claims.

Claims 5 and 8-9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 5 has been cancelled so the rejection of claim 5 is moot. The examiner argues that claims 8-9 are indefinite because the feature of at least one cross bar being centered in a middle area between the first and second guide rails is not shown in the drawings or lacks support in the specification. Applicant disagrees.

Figures 6 and 7 show first and second guide arms 20 that are located in a crossbar, and which are mechanically coupled to each other via toothed racks 24 and centering gear 26. The centering gear 26 cooperates with the toothed racks 24 to move the first and second guide arms 20 as necessary to center the cross bar in a middle area between the first and second guide rails 18. See paragraph [32]. Thus, applicant asserts that the claimed features set forth in claims 8 and 9 are fully supported by the specification and drawings, and requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

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Claims 1-4, 6-8, 10, and 19-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by LaFrance (US 6227601). The examiner argues that LaFrance discloses front and rear crossbars 64 and a flexible sunshade 12. Applicant disagrees with this interpretation of LaFrance.

First, the sunshade 12 of LaFrance is not flexible. The sunshade is comprised of a plurality of rigid slats that are formed from a material selected from a group consisting of polycarbonates, plastics, non-ferrous metal, and ferrous metal. See column 6, lines 62-66 and claim 2. The slats include at least two rigid elements that are slideable with respect to each other such that the overall length of each slat can be varied. See column 7, lines 1-57. Thus, LaFrance teaches the use of a rigid sunshade configuration and does not disclose a flexible sunshade as claimed.

Second, the LaFrance sunshade configuration does not include front and rear crossbars as claimed. As discussed above, the sunshade in LaFrance is comprised of a plurality of identical rigid slats 12. A first or top slat is connected to a drive slat 89 and the last or bottom slat is connected to a dashboard skirt slat 65. Figure 9 shows how adjacent slats 12 are connected together with a wheel and dual axle assembly 49, passing through alternating merlon bores of adjacent slats 12. The wheel and dual axle assembly 49, illustrated in Figures 10 and 11, comprises a first wheel 36 connected to a first wheel tubiform axle 38 and a second wheel 61 connected to a second wheel tubiform axle 63. Axle 38 and axle 63 are slidably and rotatably connected with connective axle pintle 64 permitting the two axles to rotate and slide lengthwise, independent of each other. See column 7, lines 30-47.

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The examiner argues that element 64, i.e. pintle 64, comprises the front and rear crossbars. The pintle 64 in LaFrance is clearly not comparable to a front and rear crossbar as claimed. While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Applicant's front and rear crossbars 12, 16 are clearly shown in Figures 2 and 5 and are described in the accompanying specification. A rear crossbar 16 is fitted to the edge of the sunshade 14 opposite the front crossbar 12. The sunshade 14 is firmly connected to both the front crossbar 12 and the rear crossbar 16. The two crossbars 12, 16 are guided for sliding movement in a pair of guide rails 18. See paragraph [31]. One of ordinary skill in the art simply would not consider the pintle 64 of LaFrance as corresponding to the claimed front and rear crossbars. Pintle 64 is clearly shown as part of a connecting mechanism for adjacent slats and cannot be considered as forming a front or a rear crossbar as claimed.

Thus, for the many reasons set forth above, LaFrance does not anticipate claim 1 and applicant requests that the rejection be withdrawn.

Further, LaFrance also does not disclose features set forth in the rejected dependent claims. For example, claim 3 requires the sunshade to be elastic. The rigid slats of LaFrance are clearly not elastic. As set forth in Merriam Webster's Collegiate Dictionary, Tenth Edition, Merriam-Webster, Incorporated, 1994: The term elastic means "capable for recovering size and shape after deformation." The slats in LaFrance are rigid and are not subjected to deformation.

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The slats include rigid elements that slide relative to each other to adjust length. The slats in LaFrance do not deform, are not elastic, and therefore LaFrance cannot anticipate claim 3.

Further, LaFrance certainly does not disclose any of the features of claims 6-8 and 10 that require at least one of the front and rear crossbar to be a telescopic member. LaFrance does not disclose front and rear crossbars, and thus does not disclose telescoping front and rear crossbars.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance in view of DeGaillard (US6634703). For the reasons set forth above LaFrance does not disclose a sunshade configuration as set forth in claim 1 from which claim 11 depends. DeGaillard does not make up for the deficiencies of LaFrance.

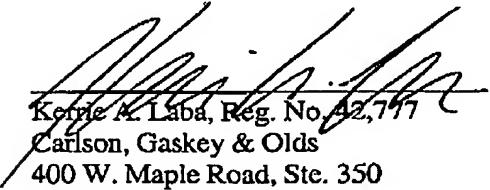
Claims 13-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance in view of German Patent No. DE 19619474. For the reasons set forth above LaFrance does not disclose a sunshade configuration as set forth in claim 1 from which claims 13-18 ultimately depend. The German patent does not make up for the deficiencies of LaFrance.

Applicant asserts that all claims are in condition for allowance and requests an indication of such. Fees in the amount of \$50.00 for one additional claim may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account

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No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

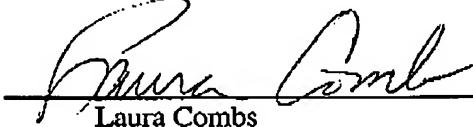
Respectfully submitted,

  
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on July 7, 2005.

  
Laura Combs